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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) : LUTZ MÜLLER-KUHRT ET AL.
SERIAL NO. : 09/856,099
FILED : May 17, 2001
FOR : APPARATUS AND METHOD FOR THE PARALLEL,
LIQUID CHROMATOGRAPHIC SEPARATION OF
SUBSTANCES
ART UNIT : 1723
EXAMINER : J. W. Drodge

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October 16, 2003

Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NON-COMPLIANT AMENDMENT UNDER 37 CFR 1.121

SIR:

A Notice of Non-Compliant Amendment (37 CFR 1.121) was mailed to Applicants on September 16, 2003, alleging that the amendment filed on August 13, 2003, was considered non-compliant. The specific defect alleged was that Applicants did not provide (a) a complete listing of the claims, b) the text of all the claims listed, and c) a status identifier as to each claim, and as such, the individual status of each claim could not be identified.

Application No. 09/856,099
Applicants: Lutz Muller-Kuhrt et al.
Response to Notice of Non-Compliant Amendment dated September 16, 2003

In response, Applicants submit that the amendment is, in fact, compliant. Even though the Office Action lists claims 1-20 to be pending, Applicants point out the claims to be examined are claims 1-17 as per the PCT IPER Annex. The response filed on August 13, 2003 listed claims 1-17 and each claim is provided with a status identifier as required. As stated at page 2 of the response filed on August 13, 2003, the translation of the annexed claims was submitted with the entering of the national stage, and the preliminary amendment related to this version of claims 1-17. Accordingly, Applicants submit this latter version comprising claims 1-17 to be the present claim set.

The situation was discussed with the Examiner, and he had indicated to ignore the treatment of claims 18-20, and examined the amended claims 1-17.

In view of the foregoing, Applicants respectfully request that the Notice be rescinded and that the amendment dated August 13, 2003, be accepted as being compliant.

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Early and favorable action is earnestly solicited.

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Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Notice of Non-Compliant Amendment under 37 CFR § 1.121 (3 pages total) is being facsimile transmitted to the United States Patent and Trademark Office on the date indicated below:

Date: October 16, 2003

By David D. Kim
David D. Kim